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International Convention on the Elimination of all Forms of Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-sixth session
6-24 March 2000

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Bahrain

1. The Committee considered the initial, second, third, fourth and fifth periodic reports of Bahrain, submitted as one document (CERD/C/353/Add.1/Rev.1), at its 1390th and 1391st meetings (CERD/C/SR.1390 and 1391), held on 20 March 2000. At its 1397th meeting, held on 23 March 2000, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the consolidated report, which contained detailed demographic and economic data and information on the legal framework relating to the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. Moreover, the Committee appreciates that the report was prepared in accordance with the Committee's guidelines. The Committee was encouraged by the attendance of a high-ranking delegation and expresses its appreciation for the open and constructive dialogue which took place.

B. Positive aspects

3. The Committee welcomes the fact that the State party has acceded to several international human rights instruments. The Committee further notes with satisfaction that the Convention has been published in the Official Gazette, has the force of law and can be invoked by individuals before the courts.

4. The Committee welcomes the establishment of the Committee for Human Rights and will follow its future work with interest.

5. The Committee notes with satisfaction the State party's ratification on 15 March 2000 of the amendment to article 8, paragraph 6 of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

C. Concerns and recommendations

6. While noting the extensive demographic data provided, the Committee recommends that the State party provide data disaggregated by ethnicity and nationality, given that a significant proportion of the population (38 per cent) and a majority of the working force (63 per cent) are not Bahrainis.

7. While noting the detailed information provided by the State party on constitutional and legislative provisions relating to the implementation of the Convention, the Committee recommends that the State party provide examples of practical implementation of the provisions of the Convention. Guarantees of equality under the Constitution or the absence of judicial rulings applying provisions of the Convention should not be taken to imply that racial discrimination within Bahraini society does not exist.

8. Noting article 172 of the Bahraini Penal Code, article 41 of the Press and Publication Act No. 14 of 1979, and the Social and Cultural Associations and Clubs, Private Institutions and Sports Organizations Act No. 21 of 1989, the Committee is concerned that existing legislation concerning the prohibition of racial discrimination is conditional upon an action being contrary to public peace, order or morality. The Committee emphasizes that not all issues of racial discrimination will necessarily disrupt public order or morality. The Committee encourages the State party to continue its review of legislation and recommends it to implement fully article 4 of the Convention.

9. The Committee expresses its concern at the difficulty, without the aid of information on relevant legislation, of assessing the extent of protection afforded to foreigners, and of enjoyment of the rights and freedoms contained in article 5 of the Convention, as provided for in the Constitution. The Committee recommends that the State party provide information on such relevant legislation in subsequent reports.

10. In the light of the Principles relating to the status of national institutions, approved by the General Assembly in its resolution 48/134, the Committee requests the State party to provide in subsequent reports information on inter alia the responsibilities of the Committee for Human Rights and on its composition, methods and achievements, particularly its achievements in combating racial discrimination.

11. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of making such a declaration be considered.

12. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's observations of the reports be similarly disseminated.

13. The Committee recommends that the State party ensure the timely submission of its sixth periodic report, due on 26 April 2001, and that it be an updating report, addressing the points raised in the present observations.